

Claim Rejections - 35 U.S.C. § 103(a)

With regard to the Examiner's rejection of claims 1-28 under 35 U.S.C. § 103(a) as being unpatentable over *Kobayashi et al.*, Applicants respectfully traverse these rejections.

With regard to the Examiner's rejection of claim 1, the Examiner asserts that *Kobayashi et al.* teaches information associated with sounds, citing to "topics as referenced in fig. 1."

It is respectfully submitted that *Kobayashi et al.* teaches a browsing environment that provides a spatial interface for temporal navigation of audio data, taking advantage of human abilities of simultaneous listening and memory of spatial location. Specifically, *Kobayashi et al.* teaches creating a speaker at some point in an orbit around a user. The speaker orbits the user's head as it plays the audio data and so creates a map between time and space. When the user wants to replay a topic that he/she has heard, he/she indicates the position where the topic was presented by pointing in that direction. Another speaker is created at the point and begins playing from the point in time of audio data presented there (p. 195, col. 1, line 57 - col. 2, line 7).

In contrast, the present invention as set forth in claim 1 recites, *inter alia*, an information selection method selecting desired information from a plurality of information represented by sounds, comprising the steps of selecting a sound wherein the step of selecting information includes the step of selecting information associated with sound.

It is respectfully submitted that *Kobayashi et al.* merely teaches selecting a topic which merely represents the speech that is emitted from a speaker. No additional information is associated with the speech that is emitted from the speaker. As such, *Kobayashi et al.* fails to teach wherein the step of selecting information includes the step

of selecting information associated with the sound. As such, it is respectfully submitted that claim 1, together with claims dependent thereon, is patentable over *Kobayashi et al.*

It is further respectfully submitted that independent claims 9, 11, 16, and 18 contain elements similar to those discussed above with regard to claim 1 and, thus, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 1.

Additionally, with regard to the Examiner's rejection of claim 1, the Examiner states that *Kobayashi et al.* does not use the terminology "time-controlling a position of each sound," however, asserts that the only difference between the *Kobayashi et al.* reference and the present invention is that the present invention places a user's point of reference outside a circle while *Kobayashi et al.* places the user inside a circle of sound. The Examiner concludes that the difference would be obvious as no unexpected result or advantage is apparent.

It is respectfully submitted that *Kobayashi et al.* teaches orbiting a speaker around the user's head as it plays the audio data creating a map between time and space. When a user wants to replay a topic that he has heard, he indicates the position where the topic was presented by pointing in that direction (page 195, col. 2, lines 1-5).

In contrast, the present invention as set forth in claim 1 recites, *inter alia*, an information selection method selecting the desired information from a plurality of information represented by sounds comprising time-controlling a position of each sound independently.

It is respectfully submitted that *Kobayashi et al.* teaches having a user point in the direction to which the user would like a topic replayed. *Kobayashi et al.* fails to teach time-

controlling a position of each sound independently and selecting a sound. As such, it is respectfully submitted that claim 1, together with claims dependent thereon, are not obvious over *Kobayashi et al.*

It is respectfully submitted that independent claim 9 contains elements similar to those discussed above with regard to claim 1 and, thus, claim 9 is not obvious over *Kobayashi et al.*

With regard to the Examiner's rejection of claim 10, the Examiner admits that *Kobayashi et al.* does not use the terminology "time-controlling a position of each sound", however, provides support for his rejection of this feature by merely stating that the topics of the Applicants' invention are organized similarly to those of Kobayashi's Fig. 1. It is unclear how this statement provides adequate support for a rejection of a claim under 35 U.S.C. § 103. The mere fact that the Applicants' invention may or may not be organized similarly to that of a reference is not a qualification in establishing a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

In order to sustain a claim rejection under 35 U.S.C. § 103(a), it is respectfully submitted that the Examiner must meet his burden to establish a *prima facie* case. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).